

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

CLARENCE L. BENJAMIN,)
)
 Petitioner,) 2:23-CV-00078-DCLC-CRW
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
)
)

ORDER

This matter is before the Court to consider the Report and Recommendation (“R&R”) of the United States Magistrate Judge [Doc. 19]. In the R&R, the magistrate judge recommends that Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence [Doc. 1] be denied. [Doc. 19]. The Magistrate Judge further recommends that the Petitioner be permitted to withdraw his claim for ineffective assistance of counsel. [Id.]. The parties did not file objections to the R&R, and the time to do so has passed.¹ *See* Fed. R. Civ. P. 72(b).

After thorough consideration of the R&R and the record as a whole, the Court finds that the R&R properly analyzes the issues presented. For the reasons set out in the R&R, which are incorporated by reference herein, it is hereby **ORDERED** that the R&R [Doc. 19] is **ADOPTED**, and Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence [Doc. 1] is **DENIED**. Further, Defendant shall be permitted to withdraw his claim for ineffective assistance of counsel.

SO ORDERED:

s/ Clifton L. Corker
United States District Judge

¹ Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court’s order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).